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10/535,087

08/04/2005

Paul Andrew Wilson

2010

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04/24/2007

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EXAMINER

MCNALLY, KERRIL

ART UNIT

PAPER NUMBER

2609

| SHORTENED STATUTORY PERIOD OF RESPONSE | MAIL DATE | DELIVERY MODE |
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3 MONTHS

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/535,087

Applicant(s)

WILSON, PAUL ANDREW

Examiner

Kerri McNally

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 August 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 11-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 11-21 is/are rejected.
- 7) ☒ Claim(s) 16 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 August 2005 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.



CHARLES D. GARBER
SUPERVISORY PATENT EXAMINER

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 20070412.

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION***Drawings***

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the control unit (claim 11), means for emitting sound (claim 11), means for storing a pre-recorded message (claim 12), means for storing a plurality of verbal messages (claims 13 and 17), means for selecting a message to be replayed (claim 13), means for recording new verbal messages (claim 14), screw holes for mounting said housing to a wall (claim 18), and means for setting a period of time duration (claims 20 and 21) must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner,

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the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

2. Claim 16 objected to because of the following informalities: the language "the front cover is openable in an open position" doesn't make sense. If the front cover is open, the cover isn't openable, but closeable. Appropriate correction is required.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

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5. Claims 11, 12, and 14 rejected under 35 U.S.C. 103(a) as being unpatentable over UK Patent Application No. GB2215104A (Mills et al.) in view of US Patent No. 4,100,581 (Slack et al.).

Considering claims 11, 12, and 14, Mills discloses a message apparatus with transducer means for producing electrical signals in response to an audibly announced message, memory means, input circuit means responsive to said signals to store in said memory and control circuitry where digital signals retrieved from memory are fed under the control of a microcontroller to a digital-to-analog converter, then to a amplifier, and finally to a loudspeaker (control unit contained within said housing and including means for emitting sound) (see Fig. 1 and Page 4, lines 19-23). Mills also discloses that the message apparatus utilizes proximity detector means responsive to a person approaching the apparatus and operative to cause operation of the output means whereby to produce an audible announcement of a message (proximity sensor for detecting an approaching person for activating said means for emitting sound of said control unit upon sensing the approaching person) (Page 1, lines 22-23 and Page 2, lines 1-2). Mills also discloses that the message apparatus includes transducer means where signals from a recorded verbal message are converted into a digital form to be recorded into the memory means. From the memory means, output means responsive to signals stored in memory produce an audible announcement (means for emitting sound of said control unit includes means for storing a pre-recorded verbal message able to be replayed by said means for emitting sound) (Page 1, lines 13-21). Mills

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discloses an electronic microphone that feeds electrical signals through an automatic gain control circuit to an analog to digital converter, then to the output which is fed to the control circuitry for recording in the solid state memory (means for recording new verbal messages) (Page 4, lines 13-17). While Mills does describe a message apparatus that is housed in a small portable box (Page 3, lines 17-18), Mills does not expressly disclose that the small portable box is mountable to a wall. Slack et al. discloses a door actuated message device that is mountable to a bracket structure mounted in the wall (a housing mountable to a wall) (Column 3, lines 34-41). It would have been obvious to one of ordinary skill in the art at the time of the invention to make the housing of the message apparatus disclosed by Mills be mountable to the wall at an appropriate height so that people can easily interact with the messaging apparatus. Mills and Slack are analogous art because they are from the same field of endeavor as messaging devices.

6. Claim 13 rejected under 35 U.S.C. 103(a) as being unpatentable over UK Patent Application No. GB2215104A (Mills et al.) in view of US Patent No. 4,100,581 (Slack et al.) and further in view of US Patent No. 5,532,680 (Ousborne).

Considering claim 13, Mills and Slack disclose the system of claim 12 as discussed above. Mills does not expressly disclose:

- Means for emitting sound includes means for storing a plurality of verbal messages

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- Means for emitting sound includes means for selecting a message to be replayed from among said plurality of verbal messages stored

Ousborne discloses an automatic message playback system that prior to or during operation, a plurality of voice messages are recorded onto main system module (means for emitting sound includes means for storing a plurality of verbal messages) (Column 3, lines 33-34). The automatic message playback system also utilizes a message selection function to determine if there is more than one message, and if so, which message(s) to play (means for emitting sound includes means for selecting a message to be replayed from among said plurality of verbal messages stored) (see Fig. 4A). It would have been obvious to one of ordinary skill in the art at the time of the invention to include memory sufficient to store multiple messages so that a user could select from a set of predetermined messages to play in a specific situation. Furthermore, it would have been obvious to one of ordinary skill in the art at the time of the invention to include a selection tool to select one or more messages to play given a specific circumstance.

Mills, Slack and Ousborne are analogous art because they are from the same field of endeavor as message systems.

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7. Claim 15 rejected under 35 U.S.C. 103(a) as being unpatentable over UK Patent Application Publication No. GB2215104A (Mills et al.) in view of US Patent No. 4,100,581 (Slack et al.) and further in view of US Patent No. 4,358,754 (Young et al.)

Considering claim 15, Mills and Slack disclose the system of claim 11 as discussed above. Mills does not expressly disclose:

- A flashing light capable of being activated by said proximity sensor upon sensing the approaching person.

Young discloses a sound-actuated flashing light unit where lights can change intensity and flash in synchronization with the detected variation in the volume of sound (flashing light capable of being activated by said proximity sensor upon sensing the approaching person) (Column 1, lines 6-16). It would have been obvious to one of ordinary skill in the art at the time of the invention to combine a flashing light with a proximity detector to get the attention of passersby.

Mills, Slack, and Young are analogous art because they are from the same field of endeavor as proximity-detecting communication systems.

8. Claim 16 rejected under 35 U.S.C. 103(a) as being unpatentable over UK Patent Application Publication No. GB2215104A (Mills et al.) in view of US Patent No. 4,100,581 (Slack et al.) and further in view of US Patent No. 6,052,052 (Delmonaco).

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Considering claim 16, Mills and Slack disclose the system of claim 11 as discussed above. Mills does not expressly disclose:

- Housing comprises a front cover that is lockable in the closed position and openable in an open position for gaining access to a control panel for controlling said control unit

Delmonaco discloses a portable alarm system that contains a closeable cover and lockable latch (front cover that is lockable in the closed position and openable in an open position) that limits access to the controls (control panel for controlling said control unit) (Column 7, lines 21-22). It would have been obvious to one of ordinary skill in the art at the time of the invention to combine a closeable lockable cover to cover the control assembly of the message apparatus so no unauthorized person could tamper with the controls.

Mills, Slack and Delmonaco are analogous art because they are from the same field of endeavor as message systems.

9. Claim 17 rejected under 35 U.S.C. 103(a) as being unpatentable over UK Patent Application Publication No. GB2215104A (Mills et al.) in view of US Patent No. 4,100,581 (Slack et al.) and further in view of US Patent No. 6,052,052 (Delmonaco) and further in view of US Patent No. 5,532,680 (Ousborne).

Considering claim 17, Mills and Slack disclose the system of claim 11 as discussed above and Mills, Slack and Delmonaco discloses the system of claim 16 as discussed above. Mills does not expressly disclose:

- Means for emitting sound includes means for storing a plurality of verbal messages
- Means for emitting sound includes means for selecting a message, via said control panel, to be replayed from among said plurality of verbal messages stored

Ousborne discloses an automatic message playback system that prior to or during operation, a plurality of voice messages are recorded onto main system module (means for emitting sound includes means for storing a plurality of verbal messages) (Column 3, lines 33-34). The automatic message playback system also utilizes a message selection function in the microprocessor to determine if there is more than one message, and if so, which message(s) to play (means for emitting sound includes means for selecting a message, via said control panel, to be replayed from among said plurality of verbal messages stored) (see Fig. 4A). It would have been obvious to one of ordinary skill in the art at the time of the invention to include memory sufficient to store multiple messages so that a user could select from a set of predetermined messages to play in a specific situation. Furthermore, it would have been obvious to one of ordinary

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skill in the art at the time of the invention to include a selection tool to select one or more messages to play given a specific circumstance.

Mills, Slack, Delmonaco, and Ousborne are analogous art because they are from the same field of endeavor as message systems.

10. Claim 18 rejected under 35 U.S.C. 103(a) as being unpatentable over UK Patent Application Publication No. GB2215104A (Mills et al.) in view of US Patent No. 4,100,581 (Slack et al.) and further in view of US Patent No. 6,052,052 (Delmonaco) and further in view of US Patent No 4,914,265 (Mongeau).

Considering claim 18, Mills and Slack disclose the system of claim 11 as discussed above and Mills, Slack, and Delmonaco disclose the system of claim 16 as discussed above. Mills does not expressly disclose:

- Housing includes screw holes for mounting said housing to a wall, said screw holes being accessible only when said front cover of said housing is open

Mongeau discloses an exterior cover for an electrical socket that covers the two screw holes in the housing where the housing is mounted to a wall (Housing includes screw holes for mounting said housing to a wall, said screw holes being accessible only when said front cover of said housing is open) (Fig. 5). It would have been obvious to one of ordinary skill in the art at the time of the invention to cover a the screw holes of the

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message apparatus to ensure that no one could remove the message apparatus from the wall without permission.

Mills, Slack, Delmonaco, and Mongeau are all analogous art because they are from the same field of endeavor as electrical systems.

11. Claim 19 rejected under 35 U.S.C. 103(a) as being unpatentable over UK Patent Application Publication No. GB2215104A (Mills et al.) in view of US Patent No. 4,100,581 (Slack et al.) and further in view of US Patent No. 6,052,052 (Delmonaco) and further in view of US Patent Application Publication No. 2002/0166272 (Gaymon).

Considering claim 19, Mills and Slack disclose the system of claim 11 as discussed above and Mills, Slack and Delmonaco disclose the system of claim 16 as discussed above. Mills does not expressly disclose:

- Front cover includes a pair of slots into which opposite edges of a warning sign are insertable with said front cover holding in a fixed position the warning sign when said front cover of said housing is closed.

Gaymon discloses a house address number sign that has a front cover and which a sign slides into opposite slots to be held in place (see Fig. 5). It would have been obvious to one of ordinary skill in the art at the time of the invention to use a display sign such as the address sign holder in order to hold any type of sign with a message on it.

Mills, Slack, Delmonaco, and Gaymon are all analogous art because they are from the same field of endeavor as communication systems.

12. Claim 20 rejected under 35 U.S.C. 103(a) as being unpatentable over UK Patent Application Publication No. GB2215104A (Mills et al.) in view of US Patent No. 4,100,581 (Slack et al.) and further in view of US Patent No. 6,052,052 (Delmonaco) and further in view of Dutch Patent No. 1003835 (Smeding).

Considering claim 20, Mills and Slack disclose the system of claim 11 as discussed above and Mills, Slack, and Delmonaco disclose the system of claim 16 as discussed above. Mills does not expressly disclose:

- Control unit includes means for setting a period of time duration, following a replay of a pre-recorded verbal message by said means for emitting sound, before said proximity sensor is capable of activating another replay of said pre-recorded verbal message

Smeding discloses an audio device for announcements that incorporates an integrated adjustable time-delay circuit through which the interval between two subsequent activations of the audio circuit can be limited (control unit includes means for setting a period of time duration, following a replay of a pre-recorded verbal message by said means for emitting sound, before said proximity sensor is capable of activating another

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replay of said pre-recorded verbal message) (Page 3, lines 10-13). It would have been obvious to one of ordinary skill in the art at the time of the invention to utilize a time delay circuit to space verbal messages in an appropriate manner so they are clear to the listener.

Mills, Slack, Delmonaco, and Smeding are analogous art because they are from the same field of endeavor as audio announcement devices.

13. Claim 21 rejected under 35 U.S.C. 103(a) as being unpatentable over UK Patent Application Publication No. GB2215104A (Mills et al.) in view of US Patent No. 4,100,581 (Slack et al.) and further in view of Dutch Patent No. 1003835 (Smeding).

Considering claim 21, Mills and Slack disclose the system of claim 11 as discussed above. Mills does not expressly disclose:

- Said control unit includes means for setting a period of time duration, following a replay of a pre-recorded verbal message by said means for emitting sound, before said proximity sensor is capable of activating another replay of said pre-recorded verbal message

Smeding discloses an audio device for announcements that incorporates an integrated adjustable time-delay circuit through which the interval between two subsequent activations of the audio circuit can be limited (control unit includes means for setting a

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period of time duration, following a replay of a pre-recorded verbal message by said means for emitting sound, before said proximity sensor is capable of activating another replay of said pre-recorded verbal message) (Page 3, lines 10-13). It would have been obvious to one of ordinary skill in the art at the time of the invention to utilize a time delay circuit to space verbal messages in an appropriate manner so they are clear to the listener.

Mills, Slack, and Smeding are analogous art because they are from the same field of endeavor as audio announcement devices.

Conclusion

14. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure: US Patent No. 4,847,589 (Dobbins), US Patent No. 5,032,716, US Patent No. 4,954,813 (August, Sr. et al.), US Patent No. 4,796,010 (Bland et al.), US Patent No. 4,307,859 (Hayashi et al.), US Patent No. 4,853,678 (Bishop, Jr. et al.), US Patent No. 4,984,098 (Buntsis), US Patent No. 3,916,401 (Freeman), US Patent No. 3,594,760 (Haker), and US Patent No. 4,897,630 (Nykerk).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kerri McNally whose telephone number is 571-270-1840. The examiner can normally be reached on Monday - Friday 7:30 AM - 5:00 PM, EST.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chip Garber can be reached on 571-270-1202. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

KLM

A handwritten signature in black ink, appearing to read 'CDG', with a long horizontal flourish extending to the right.

CHARLES D. GARBER
SUPERVISORY PATENT EXAMINER